

Transcript of Charles Davis, Individually and as Designated Representative 1 (1 to 4)
Conducted on April 11, 2024

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS SHERMAN DIVISION			1	3
3 USA FOOTBALL, INC.,)	1	1	INDEX	
4 Plaintiff,)	2	2	Appearances.....	2
5 VS.) CIVIL ACTION NOS.:)	3	3	CHARLES DAVIS	
6 FFWCT, LLC; USA FLAG, LLC;) 4:23-CV-00465)	4	4	Examination by Ms. Ricchiuto.....	8
7 AND TRAVIS BURNETT,) and 4:23-CV-00516-ALM)	5	5	EXHIBITS	
8 Defendants.)	6	6	NO. DESCRIPTION	PAGE
9 ORAL AND VIDEOTAPED DEPOSITION OF	7	7	Exhibit 26 USA Football, Inc.'s Amended Notice of	
10 FFWCT, LLC AND USA FLAG, LLC	8	8	Deposition of FFWCT, LLC and USA Flag, LLC.....	12
11 BY AND THROUGH ITS DESIGNATED REPRESENTATIVE,	9	9	Exhibit 27 USA Flag Proposal.....	50
12 CHARLES DAVIS,	10	10	Exhibit 28 Email providing EIN for FFWCT, LLC.....	67
13 AND IN HIS INDIVIDUAL CAPACITY	11	11	Exhibit 29 Confidentiality & Nondisclosure Agreement between USA Football, Inc. And FFWCT.....	71
14 APRIL 11, 2024	12	12	Exhibit 30 USA Football Partnership Proposal.....	72
15 -----	13	13	Exhibit 31 Consulting Services Agreement.....	75
16	14	14	Exhibit 32 USA Football 7/30/18 meeting agenda.....	79
17 ORAL AND VIDEOTAPED DEPOSITION OF CHARLES DAVIS,	15	15	Exhibit 33 FFWCT - USA Football, Inc. Event Collaboration Agreement.....	85
18 produced as a witness at the instance of the Plaintiff,	16	16	Exhibit 34 Partnership Renewal & Tampa Announcement letter.....	89
19 and duly sworn, was taken in the above-styled and	17	17	Exhibit 35 Email dated 2/9/22 from Eric Mayes re USNFT - Catching up and Next steps.....	93
20 numbered cause on April 11, 2024, from 9:06 a.m. to	18	18	Exhibit 36 Message string from Flag Football World Championship Tour Community.....	135
21 6:26 p.m., before Kim A. McCann, CSR in and for the State	19	19	Exhibit 37 30(b)(6) Categories of Testimony Sought.....	144
22 of Texas, reported by machine shorthand, at the offices	20	20	Exhibit 38 Screenshot of social media page, USAFB 1629.....	144
23 of Scheef & Stone, LLP, 2600 Network Blvd., Suite 400,	21	21	Exhibit 39 Printouts of social media images, USAFB 324.....	157
24 Frisco, Texas, pursuant to the Federal Rules of Civil	22	22	Exhibit 40 Printouts of LinkedIn images, FFWCT 2946 through 3005.....	176
25 Procedure.	23	23	Exhibit 41 Printouts of Facebook images, FFWCT 3006 through 3168.....	177
26	24	24	Exhibit 42 Email string dated 9/16/22 from Eric Mayes to Travis/Charles re USA Football Imagery on FFWCT Website, USAFB 196.....	180
27	25	25	Exhibit 43 Letter dated 7/1/2020 from Amie Peele Carter to FFWCT, USAFB 769.....	198
28	29	29	30	4
1 A P P E A R A N C E S	30	30	INDEX (Cont.)	
2 FOR THE PLAINTIFF:	1	1	Exhibit 44 Email dated 12/27/20 from Aaron Ingram to Eric Mayes re Added "USA Flag", USAFB 1079.....	200
3 Anne K. Ricchiuto, Esq.	2	2	Exhibit 45 Letter dated 11/21/23 from Peele Law Group to Scheef & Stone re USA Football, Inc. V. FFWCT, LLC and Travis Burnett.....	203
4 PEELE LAW GROUP	3	3	Exhibit 46 Email string dated 3/16/17 from Football World Tour to Merrill Squires re Next Steps, FFWCT 1074 to FFWTC 1088.....	212
5 49 Boone Billage	4	4	Exhibit 47 Email dated 9/15/21 from Steve Neil to Charles Davis re Meeting Invitation, FFWCT 7001.....	227
6 Box 299	5	5	Exhibit 48 Email from Curtis Holloman to Troy Vincent re Conversation Follow-up, NFL 93 to NFL 110.....	233
7 Zionsville, Indiana 46077	6	6	Exhibit 49 Email dated 6/15/22 from Troy Vincent to Izell Reese re Follow-up Document, NFL 62 to NFL 64.....	246
(202) 964-4500	7	7	Exhibit 50 Email dated 6/5/22 from Charles Davis to Steve Neil re USA Flag NFL Partnership Budget.pdf, FFWCT 7029 to FFWCT 7035.....	250
(202) 964-4502	8	8	Exhibit 51 USA Flag NFL Partnership Overview, NFL 116 to NFL 121.....	258
8 ricchiuto@peelawgroup.com	9	9	Exhibit 52 Email dated 7/5/22 from Curtis Holloman to Troy Vincent re Misc, NFL 65.....	261
9	10	10	Exhibit 53 Email string dated 7/17/22 from Charles Davis to Curtis Holloman, Steve Neil, FFWCT 492 to FFWCT 493.....	266
Bryan Haynes, Esq.	11	11	Exhibit 54 Email dated 7/19/22 from Charles Davis to Curtis Holloman, Steve Neil re Meeting with Troy Vincent, FFWCT 7071.....	269
Taylor L. Harris, Esq.	12	12	Exhibit 55 Email dated 7/28/22 from Curtis Holloman re 10am Troy, Kimberly & Curtis Holloman, FFWCT 7201.....	269
SCHEEF & STONE, LLP	13	13	Exhibit 56 Email dated 8/10/22 from Charles Davis to Steve Neil, Curtis Holloman, Travis Burnett re Final Versions, FFWCT 7253 to FFWCT 7258.....	271
2600 Network Blvd.	14	14	Exhibit 57 Email dated 8/17/22 from Charles Davis to Curtis Holloman, Steve Neil, Travis Burnett re Possible Red Flag, CH 110....	288
Suite 400	15	15	25	
Frisco, Texas 75034	16	16		
(214) 472-2100	17	17		
(214) 472-2150 fax	18	18		
Bryan.Haynes@solidcounsel.com	19	19		
14	20	20		
15 ALSO PRESENT:	21	21		
16 Brian Krieger, Videographer	22	22		
17 Travis Burnett	23	23		
18	24	24		
19	25	25		
20				
21				
22				
23				
24				
25				

Transcript of Charles Davis, Individually and as Designated Representative² (5 to 8)
Conducted on April 11, 2024

1	INDEX (Cont.)	5	1	PROCEEDINGS	7
2	Exhibit 58 Email dated 8/17/22 from Charles Davis to Curtis Holloman, Steve Neil, Travis Burnett re Email for Troy & The Team (Final), CH 106.....295		2	THE VIDEOGRAPHER: Here begins Media	
3	Exhibit 59 Email dated 8/22/22 from Charles Davis to Curtis Holloman re Update, follow up & Zoom, CH 103.....297		3	Number 1 in the videotaped deposition of	
4	Exhibit 60 Email dated 8/31/22 from Steve Neil to Charles Davis re Deal Points Start, CH 101.....299		4	Charles Davis both individually and as	
5	Exhibit 61 Zoom meeting invitation re 1pm NFL & USA Flag, FFWCT 441.....302		5	representative of FFWCT and USA Flag. This is in	
6	Exhibit 62 Email dated 10/4/22 from Charles Davis re Working Document for Call, FFWCT 7370 to FFWCT 7383.....314		6	the matter of USA Football, Incorporated versus	
7	Exhibit 63 Email dated 10/22/22 from Charles Davis, Screenshots of text messages re Izell & Travis Convo, FFWCT 7412.....322		7	FFWCT, LLC, et al. This is in the United States	
8	Exhibit 64 Email dated 10/4/22 from Charles Davis.....320		8	District Court for the Eastern District of Texas,	
9	Exhibit 65 Email dated 10/10/22 from Charles Davis.....323		9	Sherman Division filed as Civil Action Numbers	
10	Exhibit 66 Email string dated 11/16/22 from Steve Neil, FFWCT 7509.....333		10	4:23-CV-00465 and 4:23-CV-00516-ALM.	
11	Exhibit 67 Email dated 11/17/22 from Curtis Holloman to Roman Ober re USA Flag Proposal Follow-up, CH 115.....334		11	Today's date is Thursday, April 11,	
12	Exhibit 68 Complaint filed by FFWCT, USA Flag and Travis Burnett.....338		12	2024. Our time on the video monitor is 9:06 a.m.	
13	Exhibit 69 Email string dated 11/17/22 from Curtis Holloman re USA Flag Proposal Follow-up, NFL 49.....346		13	The videographer today is Brian Krieger	
14	Exhibit 70 Email string dated 11/17/22 from Charles Davis re Tampa VIP Visitors List, CH 69.....352		14	representing Planet Depos. This video deposition	
15	Exhibit 71 Email string dated 11/29/22 from Charles Davis to Steve Neil re Next Steps, CH 59.....354		15	is taking place at 2600 Network Boulevard,	
16	Exhibit 72 Email dated 12/20/22 from Charles Davis re NFL Pro Bowl Games Las Vegas, CH 40.....356		16	Suite 400 in Frisco, Texas.	
17	Exhibit 73 Email dated 8/10/23 from Charles Davis to Steve Neil re Additional bullet points, CH 2.....361		17	If counsel would please identify	
18	Exhibit 74 Email dated 8/30/23 from Charles Davis to Curtis Holloman and Steve Neil re 7v7 Pivot - Ignitor needed, CH 39.....363		18	themselves and please state who they represent.	
19			19	MS. RICCHIUTO: Anne Ricchiuto for	
20			20	USA Football. And -- sorry -- and I also have	
21			21	with me Ashley Hodges for USA Football.	
22			22	MR. HAYNES: Bryan Haynes for WWCT, LLC, USA Flag, LLC, and Travis Burnett. And	
23			23	Taylor Harris is also present.	
24			24		
25			25	THE VIDEOGRAPHER: Okay. Our court	
1	INDEX (Cont.)	6	1	reporter today is Kim McCann also representing	8
2	Exhibit 75 Email string dated 8/31/22 from Travis Burnett re USA Flag Follow Up, FFWCT 7695.....366		2	Planet Depos. And now the witness will be sworn.	
3	Exhibit 76 Email dated 2/29/24 from Charles Davis to Curtis Holloman re USA Football subpoenas, CH 41.....370		3	CHARLES DAVIS,	
4	Exhibit 77 USA Flag Football Rulebook.....376		4	Having been first duly sworn, testified as	
5	Exhibit 78 Printout from USA Flag's website printed on 7/13/23.....381		5	follows:	
6	Exhibit 79 Email dated 10/24/22 from Travis Burnett to Steve Neil and Charles Davis re USOPC Member Application, FFWCT 7481.....384		6	EXAMINATION	
7	Exhibit 80 Email dated 10/24/22 from Travis Burnett re USOPC Member Application with NGB Budget, FFWCT 7487.....388		7	BY MS. RICCHIUTO:	
8	Exhibit 81 Screenshot from USA Flag Instagram, USAFB 1612.....400		8	Q. Good morning, Mr. Davis.	
9	Exhibit 82 Promotional graphic from USA Flag's Instagram, USAFB 1626.....402		9	A. Good morning. How are you?	
10	Exhibit 83 Email string from Joe Banach to Scott Henson of Nike re Time on Friday, USAFB 1656.....406		10	Q. I'm Anne Ricchiuto. We met just a	
11	Exhibit 84 Trademark Assignment, FFWCT 2074.....420		11	second ago, I represent USA Football here to take	
12	Exhibit 85 Flag Football World Championship Tour balance sheet, FFWCT 8109.....421		12	12 your deposition today.	
13			13	Have you ever been deposed before?	
14			14	A. No, ma'am.	
15			15	Q. Have you ever watched a video of a	
16			16	16 deposition?	
17			17	A. I believe so. I would assume so.	
18			18	Q. Well, whose -- whose deposition have	
19			19	19 you watched --	
20			20	A. Just something on TV, yeah.	
21			21	Q. Okay.	
22			22	A. Nothing like this.	
23			23	Q. Have you ever, like, sat in on a	
24			24	24 deposition like Travis is doing today?	
25			25	A. No, ma'am.	

Transcript of Charles Davis, Individually and as Designated Representative²² (85 to 88)

Conducted on April 11, 2024

	85		87
1 handled most of that conversation and		1 this time about setting aside the contractual	
2 communication with USA Football directly.		2 agreement about whether or not there were other	
3 Q. But at some point, you came to		3 legal issues with you using USA Flag?	
4 understand what you've just testified about in		4 MR. HAYNES: Objection. Form.	
5 terms of your commitment not to use USA Flag at		5 A. Could you ask the question again. I	
6 least during a certain time period; is that		6 don't understand. I'm sorry.	
7 correct?		7 Q. Sure. Before this agreement --	
8 A. Yes, I was made aware of that term.		8 A. Okay.	
9 I'm sure I had to agree to it also.		9 Q. -- when you-all were talking about	
10 Q. Did you -- did you-all use USA Flag		10 and beginning to, for example, file an	
11 during the time period when you had agreed not		11 application for USA Flag --	
12 to?		12 A. Okay.	
13 A. To my knowledge, no.		13 Q. -- did you have any understanding of	
14 Q. Okay. I'm handing you what is marked		14 any potential violations of law that would result	
15 as Exhibit Number 33.		15 from your use of that name?	
16 (Exhibit 33 was marked.)		16 A. The only thing I could recall was	
17 Q. This is beginning Bates USAFB 689.		17 that there was a problem that our logo was too	
18 This is the Event Collaboration Agreement		18 similar to USA Football's logo, hence why we	
19 between, at this time, FFWCT it says instead of		19 changed it.	
20 kind of the long form and USA Football, and it's		20 Q. What about problems with the name	
21 effective March 1, 2021.		21 USA Flag?	
22 Do you see that?		22 A. Never heard anything about a name.	
23 A. Yes.		23 Q. So no one made you aware before	
24 Q. Is this a -- a document that you have		24 April 20th of -- April of 2020 when the first	
25 seen before?		25 application was filed, that the name USA Flag	
	86		88
1 A. I believe so, yes.		1 would or could be deemed infringing?	
2 Q. Do you recall what the purpose of		2 A. To my knowledge right now, I do not	
3 this agreement was?		3 recall that.	
4 A. To my knowledge, it was the agreement		4 Q. Okay. So then you had an	
5 that outlined our partnership to allow them to		5 understanding under this Event Collaboration	
6 scout at our events, to allow them to have		6 Agreement, you-all would stop using the name	
7 on-site assets at our events. We did some		7 basically during the term of the agreement;	
8 digital things together as well. And then during		8 correct?	
9 this contractual time, we would not use USA Flag		9 A. For tournaments specifically. I	
10 as a forward-facing brand for tournaments and		10 I think I vaguely remember them knowing we used it	
11 things. I -- I believe we had the camps already		11 for camps, and that was not a problem.	
12 and were already doing those, but I don't think		12 Q. Okay. Does par -- paragraph c	
13 those were an issue or a part of this, to my		13 doesn't distinguish camps, though; right?	
14 knowledge.		14 A. It doesn't in paragraph c.	
15 Q. Okay. And you've mentioned several		15 Q. Okay. When the agreement expired,	
16 times this concept of -- of not using Flag as a		16 did you have an understanding about at that time	
17 brand during the term of the agreement.		17 whether there was any risk of being deemed to be	
18 A. Yes.		18 infringing if you used the USA Flag name?	
19 Q. Are you referring to paragraph 4c on		19 A. Do I --	
20 page 690 --		20 MR. HAYNES: Objection. Form.	
21 A. 690.		21 Go ahead.	
22 Q. -- as the provision that provides		22 A. Do I -- again, I'm asking for	
23 that requirement?		23 clarification. Could you just clarify the	
24 A. I would assume so, yes.		24 question for me one more time.	
25 Q. Okay. What was your understanding at		25 Q. Yeah, sure.	

Transcript of Charles Davis, Individually and as Designated Representative ⁸⁸₃₅₂ to ^{(349 to}

Conducted on April 11, 2024

	349	351
1 status as governing body?		1 governing body status; correct?
2 A. Yes.		2 A. Do I believe that's the sole reason?
3 Q. And do you agree with me that if they		3 Q. Yeah.
4 explain to the Court in this case that they were		4 A. I do not believe that's the sole
5 not unclear that they understood that		5 reason, no.
6 USA Football was the RSO, that USA Football was		6 Q. Okay. What else?
7 the single IFAF member, is it still USA Flag and		7 A. I believe there's a few factors.
8 FFWCT and your position that you didn't get the		8 Even if what you're saying is true, they still
9 deal because of USA Football?		9 allowed USA Football to occupy that spot in their
10 MR. HAYNES: Objection. Form.		10 hierarchy of what they view football as. So I
11 A. I believe that was the heavy factor		11 don't think by misrepresenting yourself you can
12 in it, yes.		12 put yourself in a spot and not have an unfair
13 Q. Okay. I'm giving you a hypothetical.		13 advantage over someone else. I just don't think
14 A. Okay.		14 that's accurate.
15 Q. If USA -- or if -- if the NFL gives		15 So that's another part of it. I
16 testimony in this case that says we weren't		16 think there are a lot of different factors into
17 confused. When we said governing body in those		17 that, but I think those are the two most privy to
18 meetings to Chuck Davis, we knew that we meant		18 your client.
19 RSO and we meant IFAF and U -- USA Football was		19 Q. Okay. But remember, we're operating
20 RSO and was the IFAF member, do we still have a		20 in a world where NFL's not confused in the way
21 problem with USA Football?		21 that you think they're confused.
22 MR. HAYNES: Objection. Form.		22 A. Okay.
23 A. I -- I still believe so, yes.		23 Q. In that world, whose decision is it
24 Q. Explain that to me.		24 at NFL to allow USA Football to operate what you
25 A. I still believe they were		25 call that vertical?
	350	352
1 misrepresenting themselves, and, you know,		1 MR. HAYNES: Objection. Form.
2 regardless of what people would say now, at that		2 A. I'm not privy to whose decision that
3 point in time, I do not believe they understood		3 would be. I'm sorry.
4 that. But that is how I understand it in my		4 Q. Is it the NFL's decision?
5 currency. Now, can I speak on what they actually		5 A. Ultimately it would be the NFL's
6 know or not, I -- I can't. I can't give you a		6 decision to do what they want in their -- in
7 definitive answer either way.		7 their side, yes.
8 Q. And I understand. I'm asking you if		8 (Exhibit 70 was marked.)
9 your assumption is proven incorrect, okay, if the		9 Q. This is Exhibit 70. This is CH 69.
10 NFL testifies we knew exactly who was who and		10 And this is a string of emails about the Tampa
11 what was what -- we understand Chuck Davis might		11 VIP visitors list.
12 have been confused -- we, NFL, were not		12 A. Uh-huh.
13 confused --		13 Q. And the -- the email I want to ask
14 A. Uh-huh.		14 you about is your email, which is the second one
15 Q. -- then you agree with me there's no		15 from the top -- or excuse me -- November 19,
16 basis for a continuing claim against USA Football		16 2022.
17 for loss of the NFL deal.		17 A. Okay.
18 MR. HAYNES: Objection. Form.		18 Q. I think you're writing to the same
19 A. I -- I can't give you my answer for a		19 group -- Curt, Nicole, Steve, Travis -- and also
20 hypothetical. It'd have to actually happen and		20 a J. Shelton that I think I have been told was
21 me be in that situation. Sorry.		21 Steve's intern.
22 Q. Okay. But the sole reason that you		22 A. Yes.
23 believe that the 465 lawsuit is a good lawsuit is		23 Q. And you say -- this is about your
24 because you believe that the NFL had a		24 Tampa -- your signature Tampa event that's in
25 misunderstanding about USA Football's national		25 January every year; correct?

Transcript of Charles Davis, Individually and as Designated Representative^{89 (353 to 356)}

Conducted on April 11, 2024

	353	355
1 A. Yes.		
2 Q. Okay. And you say: Everyone's		1 have a pivot strategy. After we were
3 reaction and perception of us in our series		2 unsuccessful and -- and kind of get that
4 always changes for the better once they see it in		3 conversation with Izell, they wanted to approach
5 person.		4 the other entities under the NFL umbrella, which
6 A. Yes.		5 included PA, Trust, and Foundation.
7 Q. Do you see that?		6 Q. Okay. If -- your testimony to me
8 A. Yes.		7 today has been the reason why the NFL wouldn't
9 Q. And in general, this -- this string		8 move forward with you is because they had a
10 is about inviting various people from across the		9 misunderstanding about USA Football's status;
11 industry to come to Tampa; right?		10 correct?
12 A. Yes.		11 A. Yes.
13 Q. And this is after you've concluded		12 Q. So why would you expect a different
14 that the NFL deal is not going forward; correct?		13 outcome with NFL PA, Trust, or Foundation?
15 A. As it had stood, yes.		14 A. They're completely governed
16 Q. Okay. And what do you mean		15 completely differently across the board. The NFL
17 everyone's reaction changes for the better once		16 operates individually amongst those entities,
18 they see it in person?		17 sometimes even -- even at odds and opposition and
19 A. Traditionally when people think of		18 competition with each other, so...
20 flag football, they think of it as still as this		19 Q. It wasn't that you thought maybe they
21 backyard, kind of goofy thing that, you know, is		20 would be less confused?
22 not that big of a deal. And then they come to		21 A. No.
23 our World Championships and are just completely		22 Q. And it wasn't because Izell wouldn't
24 blown away at the scale of it, at the size of it,		23 be part of those arrangements?
25 the scope of it, how it looks, the atmosphere of		24 A. Izell not being a part of those
	354	25 arrangements definitely played a factor in it,
1 it, and their perception of the entire sport and		356
2 us just changes for the better in most regards,		1 because if he sits in -- in the realm or
3 honestly.		2 USA Football sits in the realm, we don't have to
4 Q. And then so that -- that comment by		3 deal with them.
5 you doesn't have anything to do with, for		4 Q. Why didn't you want to deal with him?
6 example, everyone thinks there's going to be a		5 A. Because apparently those were going
7 bunch of weed and fights and it's --		6 to be points of contention for moving forward.
8 A. No.		7 Q. Points of contention that would make
9 Q. -- not as bad as they think?		8 it clear that the deal was not going to happen?
10 A. No.		9 A. In those regards, yes.
11 Q. Okay. That's not what you had in		10 Q. This is going to be
12 mind there?		11 Exhibit Number 72.
13 A. No.		12 (Exhibit 72 was marked.)
14 Q. Okay. This is Exhibit 71.		13 Q. This is CH 40. This is from you --
15 (Exhibit 71 was marked.)		14 was there -- did you get any response, other than
16 Q. This is CH 59. This is November 29,		15 what was reflected here -- sorry, on the last
17 2022, from you to Steve, Travis, Nicole, Jay		16 one -- on 71, Chuck -- did you get any response
18 Shelton, and you are asking in your number 1:		17 from Steve or Curt besides what's reflected at
19 (As read) What do we need to do next in order to		18 the top of 71?
20 get our propositions in front of NFL PA, Trust,		19 A. No. I -- Exhibit 71?
21 and Foundation?		20 Q. Yeah.
22 Do you see that?		21 A. Not via email. I believe we talked
23 A. Yes.		22 on the call a couple of times. We would talk
24 Q. Tell me what you meant by that.		23 pretty frequently.
25 A. Yeah, so Steve and Curt wanted to		24 Q. Did you make any progress on NFL PA,

Transcript of Charles Davis, Individually and as Designated Representative ^{94 (373 to 376)}

Conducted on April 11, 2024

<p>1 involves communication with your lawyers.</p> <p>2 THE WITNESS: Okay.</p> <p>3 Q. How much subpoenas do you understand</p> <p>4 that I have prepared for Steve Neil?</p> <p>5 A. I just know that were going to serve</p> <p>6 him the one subpoena.</p> <p>7 Q. Okay. And what I want to know is if</p> <p>8 you've talked to him and told him not to accept</p> <p>9 it?</p> <p>10 A. No. No, I have not.</p> <p>11 Q. Do you know if I've served a subpoena</p> <p>12 on him?</p> <p>13 A. I just know that you were going to.</p> <p>14 I don't know anything after that.</p> <p>15 Q. Okay. Curtis told me something to</p> <p>16 the effect of Steve saying, You're going to have</p> <p>17 to find me basically. And I'm curious whether</p> <p>18 Steve has said that to you also?</p> <p>19 A. I have not had a communication with</p> <p>20 Steve or Curt.</p> <p>21 Q. Okay. Do you know whether</p> <p>22 Steve Neil's business address at Nyne Global is</p> <p>23 200 Miranova Place?</p> <p>24 A. I could not tell you what their</p> <p>25 address is.</p>	<p>373</p> <p>1 A. I -- I believe I am aware of that. I</p> <p>2 vaguely remember.</p> <p>3 Q. Did you read that transcript?</p> <p>4 A. I don't believe I did, to my</p> <p>5 knowledge right now. Sorry.</p> <p>6 Q. If your expert testified about</p> <p>7 mathematical errors in his report as a result of</p> <p>8 mathematical errors in some of the proposals made</p> <p>9 to the NFL, do you have any reason to say that</p> <p>10 testimony's not right?</p> <p>11 A. I don't. I wouldn't be privy to his</p> <p>12 -- his calculations or computations. I'm -- I'm</p> <p>13 no expert for sure.</p> <p>14 Q. How much money -- as we sit here</p> <p>15 today, how much money are you hoping to achieve</p> <p>16 by filing a lawsuit against USA Football?</p> <p>17 A. I'm not hoping to achieve any kind of</p> <p>18 specific number. That's up to the Court. I have</p> <p>19 no -- no dog in that fight, so to speak, in the</p> <p>20 number or request.</p> <p>21 Q. You have no dog?</p> <p>22 A. As a specific number like, oh, I want</p> <p>23 \$7, like I -- that's totally up to the Court.</p> <p>24 Q. Okay. But you believe you're</p> <p>25 entitled to some money from USA Football?</p>
<p>1 Q. Okay.</p> <p>2 A. I haven't mailed them anything or</p> <p>3 been there.</p> <p>4 Q. Do you know if Steve Neil moved in</p> <p>5 the last 60 days?</p> <p>6 A. In the last -- I couldn't tell -- I</p> <p>7 haven't had any conversations with Steve or Curt.</p> <p>8 Q. Okay. So if I can't find him, it's</p> <p>9 not because you told him to hide?</p> <p>10 A. Definitely not.</p> <p>11 Q. Okay. Do you know -- oh, my gosh.</p> <p>12 I'm not going to know his first name.</p> <p>13 You-all have hired an expert in this</p> <p>14 case with the last name Porter.</p> <p>15 Does that ring a bell?</p> <p>16 A. I'm not privy to the experts' names.</p> <p>17 I'm sorry.</p> <p>18 Q. Okay. Do you know that somebody on</p> <p>19 your behalf has submitted a report saying how</p> <p>20 much money you-all should be entitled to as a</p> <p>21 result of your lawsuit?</p> <p>22 A. I am aware that there was an expert</p> <p>23 that re -- prepared a report, yes.</p> <p>24 Q. Okay. Do you -- are you aware the</p> <p>25 expert was depose?</p>	<p>374</p> <p>1 A. I believe so, yes.</p> <p>2 Q. Has USA Flag ever described itself as</p> <p>3 a governing body or anything along those lines?</p> <p>4 MR. HAYNES: Objection. Form.</p> <p>5 A. I believe we've called ourselves a</p> <p>6 governing organization or -- I know we've called</p> <p>7 ourselves a governing organization for sure. I</p> <p>8 don't know if we've ever called ourselves an NGB,</p> <p>9 maybe like a self-appointed governing something,</p> <p>10 maybe. I couldn't recall specifically.</p> <p>11 Q. Where would you have called yourself</p> <p>12 something like that?</p> <p>13 A. Maybe in our rules or in "About Us"</p> <p>14 section probably.</p> <p>15 Q. And who is responsible for that</p> <p>16 content?</p> <p>17 A. Travis mostly does all the website</p> <p>18 content.</p> <p>19 Q. This is Exhibit 77.</p> <p>20 A. Okay.</p> <p>21 (Exhibit 77 was marked.)</p> <p>22 Q. It doesn't have a Bates number on it,</p> <p>23 but it was filed with the Court. On page 2 of</p> <p>24 this document, you see some highlighted language.</p> <p>25 Well, first of all, what is this?</p>

Transcript of Charles Davis, Individually and as Designated Representative ^{95 (377 to 380)}

Conducted on April 11, 2024

	377	379
1 A. This looks like our general rules on		1 governing body for all forms and styles of the
2 our website.		2 sport.
3 Q. Okay. And from the date on this when		3 So you just told me about how
4 it was printed, I believe that it reflects that		4 sensitive national governing body is.
5 it was printed on July 6, 2023.		5 A. Correct.
6 Do you see that?		6 Q. But you felt like ultimate governing
7 A. I do.		7 body did not cause that same connotation for
8 Q. Okay. And it says: (As read) We		8 someone who is understanding or -- or reading
9 declare USA Flag the self-appointed national		9 those words?
10 governing organization of the sport of flag		10 A. Correct.
11 football through common consent of our		11 Q. So the average person would know, oh,
12 participating teams.		12 this isn't the national governing body, it's the
13 Do you see that?		13 ultimate governing body?
14 A. Yes.		14 A. I wouldn't be privy to what the
15 Q. Okay. So what's -- what does that		15 average person would know. I'm sorry.
16 mean?		16 Q. Well, you just gave me a big
17 A. Because a lot of teams, players all		17 explanation about how important it was not to say
18 view us as kind of the pillar in flag football in		18 those letters in a row, and I think those letters
19 playing our events in -- in -- in -- in large		19 you were referring to were NGB.
20 quantities, we believe we're a governing-type		20 A. Correct.
21 organization that dictates rules, dictates		21 Q. But UGB, fair game in your mind?
22 competition, hosts competitions, and organizes		22 A. Yes.
23 events. So by that theory we make that		23 Q. Why?
24 statement.		24 A. Because, again, I believe the term
25 Q. Where did you get the understanding		25 specifically "national governing body" right in a
	378	380
1 that there could be a self-appointed national		1 row, those three letters sequentially are
2 governing organization?		2 protected, as well as the acronym "NGB" are
3 A. Just by kind of going through the		3 federally protected. So we don't use those --
4 years and seeing other organizations do the same		4 those three.
5 thing, we assumed we can do the same thing as		5 Q. How would someone reading this know
6 well.		6 the difference between and ultimate governing
7 Q. What other organizations have done		7 body and a national governing body?
8 that?		8 A. I'm not --
9 A. Other various organizations we've		9 MR. HAYNES: Objection. Form.
10 seen in softball, we've seen in other -- other		10 A. I'm not for sure.
11 sports are kind of self-appointed governing		11 Q. Well, what do you hope somebody
12 organizations. We didn't feel that saying like		12 thinks you do by calling yourself the ultimate
13 we were a governing body specifically was		13 governing body?
14 allowed. We thought that was a protected mark		14 A. That we govern the sport of -- of
15 with those specific three letters and that		15 flag football per our events.
16 specific phrasing of the three words those three		16 Q. Do you agree that the word "ultimate"
17 letters represent. So we tried our best to not		17 connotes, like, top dog, main one, most
18 -- not do that because we -- we thought that		18 important?
19 was -- you know, you had to have some type of		19 A. I would agree with that acronym.
20 certification or clearance to use that.		20 Q. Okay.
21 Q. Okay. And so the second highlighted		21 A. Or synonym.
22 section says US --		22 Q. Then this language that we're looking
23 MR. HAYNES: Objection.		23 at, if I told you that I had seen that on other
24 Nonresponsive. Sorry.		24 parts of your website, would you be surprised by
25 Q. -- says: USA Flag is the ultimate		25 that?

Transcript of Charles Davis, Individually and as Designated Representative ^{96 (381 to 384)}

Conducted on April 11, 2024

	381		383
1 A. The ultimate governing body and the		1 MS. RICCHIUTO: Let's go off the	
2 governing organization specifically?		2 record for a couple of minutes.	
3 Q. Correct.		3 MR. HAYNES: Take a restroom break.	
4 A. Would I be surprised if they're other		4 MS. RICCHIUTO: Yes, of course.	
5 parts of the website?		5 THE VIDEOGRAPHER: Off the record at	
6 Q. Yeah.		6 5:17 p.m.	
7 A. I would not be surprised.		7 (Break from 5:17 p.m. to 5:29 p.m.)	
8 Q. Okay. Did there come a time where		8 THE VIDEOGRAPHER: The time is	
9 you decided for the website to say something		9 5:29 p.m. We're back on the record.	
10 else?		10 Q. (BY MS. RICCHIUTO) Mr. Davis, we are	
11 MR. HAYNES: Objection. Form.		11 going to look at Exhibit Number 79 in a minute.	
12 A. I'm -- I'm not sure. I've not privy		12 But first I want to ask you is it	
13 to all website updates. That would be more along		13 USA Flag's goal to become the certified national	
14 of a Travis question. He does all of our website		14 governing body for flag football?	
15 updates.		15 A. It would be an aspiration if it's --	
16 (Exhibit 78 was marked.)		16 if it becomes possible for us to do that, that	
17 Q. This is Exhibit Number 78. This is		17 would be great. But it's not a sole, you know,	
18 a -- the same page of your website --		18 end-all be-all. I think anybody in our position	
19 A. Okay.		19 would love to be that, if possible.	
20 Q. -- except it was printed on July 13th		20 Q. And is there any difference between	
21 instead of July 6th.		21 being an RSO and being a certified NGB?	
22 Do you see that?		22 A. I'm not super privy to the details	
23 A. Yes.		23 and inner workings. This is all super -- super	
24 Q. And do you agree with me that the		24 new and extremely confusing, so I'm trying to	
25 language that is highlighted are just different		25 learn it as we go.	
	382		384
1 words?		1 (Exhibit 79 was marked.)	
2 A. Yes.		2 Q. This is Exhibit Number 79. This the	
3 Q. Okay. Do you know why those changes		3 FFWCT 7481. This is an email from Travis to you	
4 were made during in between July 6th and		4 and Steve, October 2022, where he has found the	
5 July 13th of 2023?		5 membership application to --	
6 MR. HAYNES: Objection.		6 A. Okay.	
7 Don't answer that to the extent that		7 Q. -- I -- to what? What was -- what	
8 it calls for you to reveal attorney-client		8 application is this?	
9 privileged information, if at all.		9 A. I believe this is a member	
10 A. I would not be privy to that		10 application to be -- to qualify to, I guess, be	
11 information on the update.		11 the governing body for flag football through the	
12 Q. Do you know that between the dates of		12 USOPC.	
13 July 6th and July 2023, we had filed something		13 Q. Okay. Is this something that you've	
14 with the Court notifying the Court about the		14 seen before today? I mean, he sent it to you	
15 language in Exhibit 77?		15 but --	
16 A. I wouldn't be privy to that specific		16 A. Yeah, I would assume I've seen it. I	
17 instance. I'm sorry.		17 mean, I'm not -- I'm, like, oh, I remember seeing	
18 Q. You don't know whether changes to the		18 it on this day. But I remember seeing it	
19 website were made as a response or as a result of		19 generally.	
20 our making that disclosure to the Court?		20 Q. Okay. Do you see on the very first	
21 MR. HAYNES: Don't answer that if it		21 line of the membership application, it says:	
22 requires you to reveal any communications with		22 (As read) Step 1 of the membership application	
23 your counsel, if at all.		23 requires the sport organization complete the	
24 A. I -- I don't -- I'm not privy to that		24 application and submit it to USOPC.	
25 information off the top of my head.		25 Do you see that?	